

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GERALD MCINTIRE,

Plaintiff,

v.

Case No: 8:21-cv-1430-CEH-CPT

PINELLAS COUNTY, CITY OF
CLEARWATER BEACH POLICE,
PAUL VALENTI, DANIEL
SLAUGHTER, JEFFREY LORICK
and MARK ESPARZA,

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Christopher P. Tuite on January 5, 2022 (Doc. 5). In the Report and Recommendation, Magistrate Judge Tuite recommends that the Court should: 1. Deny McIntire's IFP Motion (Doc. 1) without prejudice; 2. Dismiss McIntire's complaint (Doc. 2) with leave to amend; 3. Grant McIntire permission to file, within thirty (30) days of the Court's Order: (a) an amended complaint that complies with Rules 8 and 10 and that asserts a cognizable cause of action which is not foreclosed by the doctrine of claim preclusion; and (b) a renewed motion to proceed *in forma pauperis*; and 4. Caution McIntire that a failure to comply with these directives may result in the dismissal of his case without further notice. McIntire was furnished a copy of the Report and Recommendation and was afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 5) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Plaintiff's IFP Motion (Doc. 1) is DENIED, without prejudice.
- (3) Plaintiff's complaint (Doc. 2) is DISMISSED, with leave to amend.
- (4) Plaintiff is granted permission to file, within thirty (30) days of the date of this Order: (a) an amended complaint that complies with Rules 8 and 10 and that asserts a cognizable cause of action which is not foreclosed by the doctrine of claim preclusion; and (b) a renewed motion to proceed *in forma pauperis*.
- (5) Failure to file an amended complaint within the time provided will result in dismissal of this case without further notice.

DONE AND ORDERED at Tampa, Florida on January 25, 2022.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Christopher P. Tuite
Counsel of Record